

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

HERBERT D. GARD,

Plaintiff,

v.

MICHAEL J. ASTRUE

Commissioner of Social Security,

No. 08-CV-264-DRH

Defendant.

ORDER

HERNDON, Chief Judge:

Now before the Court is Defendant and Plaintiff's joint motion for remand (Doc. 17). Defendant and Plaintiff move this Court to enter judgment, reversing the Commissioner's decision under sentence four of § 205(g) of the **Social Security Act, 42 U.S.C. § 405(g)**, and remand the case to the agency for further administrative proceedings. Defendant and Plaintiff also request that the Court award attorneys fees in the amount of \$1,500 under the **Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412**. Pursuant to the assignment of fees between the Plaintiff and his attorney, the parties stipulate that the award of attorneys fees be made payable directly to Plaintiff's counsel, as assignee of the Plaintiff. For the reasons stated in the motion, the Court **GRANTS** the joint motion for remand (Doc. 17). The Court reverses the findings of the Commissioner, remands the case to the

Commissioner for further findings, and orders fees in the amount of \$1,500, made payable directly to Plaintiff's counsel. The Court further orders the Clerk of the Court to enter judgment accordingly.

IT IS SO ORDERED.

Signed this 25th day of November, 2008.

/s/ David R. Herndon

**Chief Judge
United States District Court**